

MEMO ENDORSED

JARED J. SCHAFER
ATTORNEY AT LAW
1025 WESTCHESTER AVENUE, SUITE 305
WHITE PLAINS, NEW YORK 10604
(914) 682-9777

JARED J. SCHAFER

ADAM L. SCHAFER*

* NY, NJ BARS

Hon. Cathy Seibel
United States District Judge
Southern District of New York
United States Courthouse
300 Quarropas Street
White Plains, New York 10604

I think Judge Smith should order any unsealing. Mr. Schaf should apply to her, but in the meantime may file hard copy in chambers.

USDC SDNY April 18, 2012
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 4/19/12

So Ordered.

Cathy Seibel
Cathy Seibel, U.S.D.J.

Dated: 4/18/12

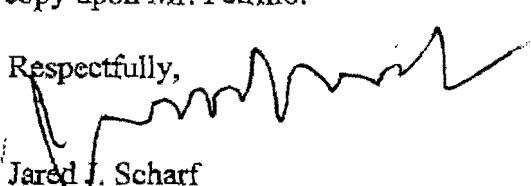
Re: United States v. Adem Arici
12-Cr. 0024 (CS)

Dear Judge Seibel:

I prepared a motion to dismiss the indictment that I had intended to file today in the courtroom. Since much of the motion contains items that are sealed in another case, I intended to resolve in court today whether defendant's motion to dismiss ought to be filed under seal. The case in which these items are sealed also is assigned to your Honor, but presently is before Judge Smith for preparation of a Report and Recommendation.

If the motion ought to be filed under seal, then I cannot file it electronically. I prepared hard copies of the motion for the Court and the other parties. On the other hand, Judge Smith's order that the items be sealed was based on my application which was based on the need to protect the identity of a target of a grand jury investigation from unnecessary publicity. However, in view of the present case, that concern is substantially diminished, and I have no objection if the Court vacates the sealing order.

I would like to file the motion today or tomorrow. Please inform me if I should do so under seal by delivering a hard copy to chambers or to the clerk, or if the sealing order may be vacated, in which case I will file the motion electronically. In the former situation, i.e. file under seal, please authorize me to serve a copy upon Mr. Petrillo.

Respectfully,

Jared J. Schaf

cc: Cynthia Dunne, Esq., Lee Renzin, Esq.
Guy Petrillo, Esq., Jill Barnhart, Esq.

JARED J. SCHARF, ESQ.
ATTORNEY AT LAW
1025 WESTCHESTER AVENUE
SUITE 305
WHITE PLAINS, NEW YORK 10604
(914) 682-9777 - TELEPHONE
(914) 428-3199 - FACSIMILE

FACSIMILE TRANSMITTAL SHEET

TO: Hon. Cathy Seibel
390-4278

FROM:

Jared J. Scharf, Esq.

FAX NUMBER:

DATE:

4/18/2012

RE:

United States v. Adem Arici et al.
S1 12-Cr. 0024 (CS)

TOTAL NO. OF PAGES INCLUDING COVER:

CC:

Guy Petrillo, Esq. and Jill Barnhart, Esq.
212-370-0391
Cynthia K. Dunn, Esq., Lee Renzin, Esq.
993-1980

NOTES/COMMENTS:

The information contained in this facsimile transmission is attorney privileged and confidential information intended only for the use of the individual or entity above. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication by error, please immediately notify us by telephone, at our expense, so that we may arrange for return of the original message to us at the above address via the U.S. postal service.